IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 4236 of 2004(D)

PETITIONER:

A.J. AUGUSTINE, ATTIPETTIL HOUSE,
NEDUMKANDAM P.O., IDUKKI DISTRICT.

BY ADV. SRI.S.K.MURALEEDHARA KAIMAL
SRI.A.K.MADHAVAN UNNI
SRI.B.RAJESH

RESPONDENTS:
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1. **THE MANAGER, STATE BAN OF TRAVANCORE**
   NEDUMKANDAM P.O., IDUKKI DISTRICT.

2. **THE BANKING OMBUDSMAN,**
   O/O. THE BANKING OMBUDSMAN, R.B.I. BUILDING,
   THIRUVANANTHAPURAM-695 033.

BY ADV. SRI.M.PATHROSE MATHAI
BY GOVERNMENT PLEADER SRI.C.K.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.4236/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE NOTICE DT.5.2.03 BY THE 1ST RESPONDENT.

EXT.P2:- COPY OF THE REPLY LETTER DT. 12.2.03.

EXT.P3:- COPY OF THE COMMUNICATION DT. 21.2.03.

EXT.P4:- COPY OF THE COMPLAINT DT. 7.10.03.

EXT.P5:- COPY OF THE ORDER DT. 30.12.03 IN OBO 1481/03-04.

RESPONDENTS EXHIBITS

EXT.R1(a):- COPY OF THE COUNTER GUARANTEE FURNISHED BY THE PETITIONER.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

W.P. (C). NO. 4236 OF 2004

Dated this the 15th day of June, 2007.

J U D G M E N T

This writ petition is filed mainly with the following prayers.

i) to issue a writ of mandamus or any other writ, direction or order directing the 1st respondent to cancel the entire debit entries relating to the amounts debited in the C.C. account of the petitioner consequent to Exhibit P2 notice and P3 intimation letter containing the order.

ii) to issue a writ of mandamus or any other appropriate writ, or order directing the 1st respondent to deposit the amount withdrawn (Rs. 93484/-) back with interest in vogue forthwith and to operate/maintain accordingly the C.C. limit of Rs. Ten lakhs as sanctioned by the Head Office.

2. In view of the direction in O.P. No. 22758/2002, any further action can be taken only based on the order passed by the Deputy Commissioner, as stated in the statement of the 3rd respondent.

Depending on the orders of the Deputy Commissioner, Idukki, it will be open to the petitioner to pursue the matter in appropriate proceedings.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp